

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1748

United States of America,

Appellee,

v.

Eloy Moreno-Torres, also known
as Martin, also known as Mario
Perez-Torres,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: July 31, 2002

Filed: August 6, 2002

Before McMILLIAN, FAGG, and BOWMAN, Circuit Judges.

PER CURIAM.

Eloy Moreno-Torres pleaded guilty to conspiring to distribute and possess with intent to distribute 50 grams or more of methamphetamine, in violation of 21 U.S.C. § 846 (2000), as well as a forfeiture count. The district court* gave Moreno-Torres a two-level obstruction-of-justice increase for attempting to bribe a witness and

*The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

sentenced him to 97 months imprisonment and 5 years supervised release. On appeal, Moreno-Torres contends the district court improperly applied the obstruction-of-justice increase.

We conclude the district court did not commit error. See United States v. Simms, 285 F.3d 1098, 1100 (8th Cir. 2002) (standard of review). The undisputed testimony at sentencing—that Moreno-Torres offered a witness money in exchange for perjured testimony—was sufficient to warrant application of the increase. See U.S.S.G. § 3C1.1 comment. (n.4) (2001); United States v. Pompey, 121 F.3d 381, 382 (8th Cir. 1997), cert. denied, 522 U.S. 1133 (1998).

We thus affirm the sentence imposed by the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.